REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the non-final Office Action dated September 14, 2010, hereinafter "Office Action." In that Office Action, claims 1-26, 28-29, 31, 33, 36-56, and 58-65 were examined and all claims were rejected. Specifically, claims 5, 9, 13, 16, 63, and 65 were objected to for various informalities (the Applicants respectfully note that the Office Action appears to have mistakenly objected to claim 66 instead of claim 65). Claims 1, 3-4, 9-10, 16-17, 20, 36, 38-41, 44-45, 51-52, 55-56, 58, 60-63, and 65-66 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Jerger et al. (U.S. Pat. No. 6,321,334; hereinafter "**Jerger**"). Claims 2, 37 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jerger in view of Touboul (U.S. Pat. No. 6,092,194; hereinafter "**Touboul**"). Claims 5 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jerger in view of Donohue (U.S. Pat. No. 6,202,207; hereinafter "**Donohue**"). Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jerger in view of Donohue, and further in view of Pennell et al. (U.S. Pat. Publ. No. 2003/0098883; hereinafter "**Pennell**"). Claims 11-15, 18-19, 21, 23-26, 28-29, 31, 33, 42-43, 46-50, 53-54, and 64 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jerger in view of Pennell. Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Jerger in view of Pennell, and further in view of Touboul.

Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested. In this Amendment, claims 1, 5, 7, 9, 11, 20-21, 25-26, 28, 36, 40-43, and 45 have been amended, claims 6, 8, 10, 12-19, 29, 31, 33, 44, and 46-66 have been canceled, and claims 67-72 have been added. Therefore, claims 1-5, 7, 9, 11, 20-26, 28, 36-43, 45, and 67-72 remain present for examination.

Applicants submit that claim amendments are supported throughout the specification, and in the claims as originally filed, and do not introduce new matter. For instance, the amendments are supported by at least the following sections of the Specification, as published: FIGs. 2-4, and paras. [0042]-[0050].

Claim Objections

Claims 5, 9, 13, 16, 63, and 66 were objected to for various informalities. In this Amendment, claims 13, 16, 63, and 66 have been canceled, thus rendering moot the prior objection. In addition, claims 5 and 9 have been amended. More specifically, claims 5 and 9 have been amended to remove the language objected to by the Examiner. As such, Applicants respectfully request that the Examiner withdraw the objections of claims 5 and 9 and allow the claims at the Examiner's earliest convenience.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1, 3-4, 9-10, 16-17, 20, 36, 38-41, 44-45, 51-52, 55-56, 58, 60-63, and 65-66 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Jerger. Applicants respectfully traverse this rejection because either the Examiner failed to state a *prima facie* case of anticipation or the current amendments to the claims now render the Examiner's arguments moot. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Mashinenfabrik GmbH v. Am. Hoist & Derrick Co.,* 730 F.2d 1452, 1458 (Fed. Cir. 1984); *see also,* MPEP § 2131. Applicants submit that the cited reference does not disclose all of the elements of the rejected claims, as amended.

Independent Claim 1

Claim 1, as amended, recites, *inter alia*:

> upon an assessment that the source of the object does not correspond to the previously blocked certificate, evaluating a content of the object to determine whether the object contains an upgrade for a program already existing on the client device; and

> upon determining that the content of the object contains the upgrade for the program already existing on the client device, providing an activation opportunity comprising:

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> > displaying a prompt to advise the user that the content of the object contains the upgrade for the program already existing on the client device; and

> > displaying a selection opportunity for the user to accept or decline the upgrade of the program already existing on the client device.

Claim 36, as amended, recites, *inter alia*:

> assessing, by the browser at the client device, as part of displaying the web page, whether a source of the object is a previously blocked certificate;
>
> upon an assessment that the source of the object corresponds to the previously blocked certificate, suppressing the action associated with the object and displaying a modeless prompt to advise the user of the suppression of the action associated with the object, wherein the modeless prompt provides a description of the object for which the action is being suppressed; and

> upon an assessment that the source of the object does not correspond to the previously blocked certificate, evaluating a content of the object to determine whether the object contains an upgrade for a program already existing on the client device;

> ...

> a user interface to provide an activation opportunity, the activation opportunity comprising:

> > displaying a prompt to advise the user that the content of the object contains the upgrade for the program already existing on the client device; and

> > displaying a selection opportunity for the user to accept or decline the upgrade of the program already existing on the client device.

In contrast, Jerger discloses computer-based systems and methods for a comprehensive security model for managing foreign content downloaded from a computer network. Specifically, Jerger provides for using one or more independently configurable security zones, whereupon each security zone corresponds to a group of network connections and may have configurable security settings to control access to a host system from the computer network. As such, the systems and methods disclosed by Jerger are different from the present systems. Specifically, Jerger fails to teach or describe, *inter alia*, "evaluating a content of the object *to determine whether the object contains an upgrade for a program* already existing on the client device," as recited in claim 1 (emphasis added). Notably, Jerger relates to access control utilizing configurable security zones. The claims, as amended, no longer include claim elements related to "trust level security settings," as previously identified by the Examiner with respect to Jerger. See Office Action, pp. 4-10. As such, Jerger does not anticipate claim 1.

Independent Claims 21, 36, and 67

The other independent claims, namely claims 21, 36, and 67, recite identical or similar limitations and are allowable over Jerger for at least the same reasons as set forth above. Specifically, claims 21 and 36 recite, *inter alia*, "evaluating a content of the object *to determine whether the object contains an upgrade for a program* already existing on the client device" (emphasis added). Claim 67 recites, *inter alia*, *"evaluating whether a download flag is set that corresponds to a browser setting, a program setting, or a security setting of the client device;* and upon determining that the download flag is set that corresponds to the browser setting, the program setting, or the security setting of the client device, providing an activation opportunity" (emphasis added). Specifically, Jerger additionally fails to teach or describe evaluating whether a download flag is set, as recited in claim 67, as amended. As such, independent claims 21, 36, and 67 are not anticipated by Jerger and are allowable for at least the same reasons as claim 1.

The dependent claims, *i.e.* claims 2-5, 7, 9, 11, 20, 22-26, 28, 37-43, 45, and 68-72, incorporate all of the limitations of the above independent claims, respectively, and are allowable over Jerger for at least the same reasons. As such, Applicants respectfully request that the

Examiner withdraw the rejection and allow claims 1-5, 7, 9, 11, 20-26, 28, 36-43, 45, and 67-72 at the Examiner's earliest convenience.

Claim Rejections Under § 103(a)

Claims 2, 37 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jerger in view of Touboul. Claims 5 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jerger in view of Donohue. Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jerger in view of Donohue, and further in view of Pennell. Claims 11-15, 18-19, 21, 23-26, 28-29, 31, 33, 42-43, 46-50, 53-54, and 64 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jerger in view of Pennell. Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Jerger in view of Pennell, and further in view of Touboul. Applicants respectfully traverse the § 103(a) rejections because either the Examiner failed to state a *prima facie* case of obviousness or the current amendments to the claims now render the Examiner's arguments moot.

To establish a prima facie case of obviousness, the references must teach or suggest each and every one of the claim elements to one of ordinary skill in the art at the time the invention was made. *See* MPEP §§ 2142, 2143.03; *In re Wilson*, 424 F.2d 1382, 1385 (C.C. P.A. 1970). In addition, *KSR International Company v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007), requires that there "must be some *articulated reasoning with some rational underpinning* to support the legal conclusion of obviousness." (Emphasis added.) Further, "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *KSR Int'l Co.*, 127 S. Ct. at 1741. Specifically, the references fail to teach or suggest all of the claim elements. Applicants herein incorporate by reference their prior discussion regarding Jerger and further submit that Jerger fails to teach or suggest all of the claimed limitations for the reasons set forth above. Additionally, the combinations of Jerger with Touboul, Donohue, and Pennell fail to compensate for the deficiencies of Jerger.

Claims 2, 37, and 59

Claims 2, 37 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jerger in view of Touboul (U.S. Pat. No. 6,092,194; hereinafter "**Touboul**"). Touboul relates to "a system [that] comprises an inspector and a protection engine." (Touboul, Abstract). The system in Toubel discloses "downloadable security profiles." (Touboul, col. 5, ll. 28-32). The downloadable security profile "preferably includes a list of all potentially hostile or suspicious computer operations that may be attempted by the Downloadable, and may also include the respective arguments of these operations." (Touboul, col. 4, ll. 4-7). The downloadable security profile is then compared to the local security policy. (Touboul, col. 5, ll. 28-32). The identified portions of Touboul fail to teach or suggest the recited embodiments of the present application. Applicant respectfully requests a withdrawal of the rejection for claims 2, 37, and 59, and an issuance of a notice of allowance at Examiner's earliest convenience.

Claims 5 and 6

Claims 5 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jerger in view of Donohue (U.S. Pat. No. 6,202,207; hereinafter "**Donohue**"). Donohue relates to a method and a mechanism for synchronized updating of interoperating software and does not cure the deficiencies of Jerger, discussed above. Applicant respectfully requests a withdrawal of the rejection for claims 5 and 6, and an issuance of a notice of allowance at Examiner's earliest convenience.

Claims 7 and 8

Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jerger in view of Donohue, and further in view of Pennell et al. (U.S. Pat. Publ. No. 2003/0098883; hereinafter "**Pennell**"). Pennell does not compensate for the deficiencies of Jerger and Donohue. The identified portions of Pennell relate to blocking bad windows and displaying good windows. (Pennell, para. [0043]). When a bad window is identified, Pennell blocks the bad window displaying a prompt to indicate suppression of the window. (Pennell, para. [0081]). The identified portions of Pennell fail to teach or suggest the recited embodiments of the present

application. Applicant respectfully requests a withdrawal of the rejection for claims 7 and 8, and an issuance of a notice of allowance at Examiner's earliest convenience.

Claims 11-15, 18-19, 21, 23-26, 28-29, 31, 33, 42-43, 46-50, 53-54, and 64

Claims 11-15, 18-19, 21, 23-26, 28-29, 31, 33, 42-43, 46-50, 53-54, and 64 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jerger in view of Pennell. The Applicants respectfully submit that the combination of Jerger and Pennell, for the same reasons as discussed above, fails to teach or suggest the recited embodiments of the present application. Applicant respectfully requests a withdrawal of the rejection for claims 11-15, 18-19, 21, 23-26, 28, 31, 33, 42-43, 46-50, 53-54, and 64, and an issuance of a notice of allowance at Examiner's earliest convenience.

Claim 22

Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Jerger in view of Pennell, and further in view of Touboul. The Applicants respectfully submit that the combination of Jerger, Pennell and Touboul, for the same reasons as discussed above, fails to teach or suggest the recited embodiments of the present application. Applicant respectfully requests a withdrawal of the rejection for claim 22, and an issuance of a notice of allowance at Examiner's earliest convenience.

Official Notice

Further, with respect to claim 7, the Applicants note that the Office Action took "Official Notice" that:

[I]t is notoriously well known in the art to provide a description of an action to the user with a modeless prompt. Examples abound: modeless prompts describing status and actions have been a part of GUI-based OS systems from their inception. The basic rational [sic] for providing a description with a modeless prompt is that it informs the user 1) an action was taken and 2) what the action was. Furthermore, a modeless prompt that is displayed when an object is suppressed without any description of the object being

suppressed is analogous to an alert of a situation without any description of the situation; in both scenarios, a message that identified what has occurred enables the receiver of the prompt or alert to properly react to the prompt or alert. Office Action, at 14.

The Applicants do not necessarily agree with the Official Notice nor do they acquiesce to the statements made in the Office Action regarding the Official Notice. Nevertheless, since the Jerger, Touboul, Donohue, and Pennell references fail to teach the features of claim7, as amended, and as noted above, *see* discussion *supra*, and no additional references have been cited that compensate for the deficiencies in the Jerger, Touboul, Donohue, and Pennell references, the issue regarding the accuracy of the Official Notice is moot.
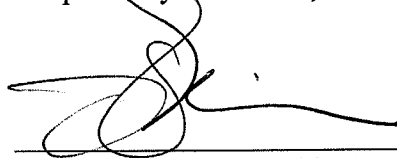
CONCLUSION

This Amendment fully responds to the Office Action mailed on September 14, 2010. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicants believe the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the references of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

Date: December 14, 2010

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